

as you sat near the bed, and using a figure of this kind, in respect to which Mr. Tilton says:

I won't undertake to quote the exact words, but the picture was like this: He drew the figure of a man sitting on a stool, and said that he was dizzy, and was like one on the edge of hell.

Q. Did you use an expression of that kind? A. I did not. I might well have done it.

Q. During that conversation was this subject spoken of, in words like those, that you spoke of the effect of his case on the termination of his engagements with Mr. Bowen's papers—that you felt that Bowen's suddenly changed mind had been largely owing to statements which Mrs. Beecher had made to Mr. Bowen, and to statements which you yourself had made, though you said that Mrs. Beecher had been more mischievous in her utterances than yourself—was there any talk of that kind? A. I think that is a very garbled statement of the early part of the interview, when I expressed my regrets for the interference with his affairs with Mr. Bowen; but so far as it regards my wife, I did not say that I regarded her interference as more mischievous than mine.

Q. Did you mention to him at that interview that you had voluntarily written a letter to Mr. Bowen that day or the day before, in which you had taken back some of the unkind utterances or injurious statements? A. I may have stated it; I don't remember. I had written the letter.

Q. And sent it? A. And sent it. I don't remember mentioning it in that interview.

Q. The day before you did that, the 21st? A. I did, early on New-York morning; that is, the secular new year, the 22d of January.

Q. How soon after this, Mr. Beecher, did you have an interview with Mr. Moulton or Mr. Tilton? A. I think on or about the 31st. A. On or about the 31st, I take it. I suspect there was not any time until the 13th or 14th, in which I didn't see Mr. Moulton every day; sometimes they were short—conversations brief; sometimes they were long and serious; but this was the last interview. Mr. Everts, I think, until some time in February, in which the subject of my relation to Mr. Tilton's disaffection from his father and his household, and the discussion of business and the restoration of Mr. Tilton's position, and "to rebuild the household," were almost the catch-words.

Q. Now, did you have, about this time, between the 23d and the middle, or whatever limit you fix now your almost daily interviews—did you have a definite conversation with Mr. Moulton, about the 7th, or thereabouts, in which you had a preliminary or sequential interview; but there was one that stands out very distinctly in my memory; one before the interview of Mr. Moulton with Mr. Bowen, and one immediately following it, I think the very next day.

Q. What was the course of the interview between Mr. Moulton and yourself? A. My impression is that it was a conversation in which Mr. Tilton and Mr. Moulton and myself were present in the parlor of Mr. Moulton's house, and I think that they led to this very general conversation in the presence of Mr. Tilton; I think that they were the reasons of those; and they turned—the conversation turned on the subject of Mr. Bowen's treachery toward Mr. Tilton and toward me.

Mr. Beech—Do you understand that Mr. Tilton was present? A. I do think so.

Q. Is that the date, the 7th? A. It was somewhere before Jan. 10, I think.

Mr. Everts—On or about Jan. 10? A. On or about. My only way of fixing landmarks is by my lecture engagements. I know by the situation of those about what the topics were, and then I have, on part of my lecture, the dates where I was and when I was out of town, and so I throw these conversations into the periods where they must have come. The dates I could not fix, except in some such way as that; and they are liable, most of them, to shift a day or two, except those of the 26th of December, 30th of December, 31st of December, and Jan. 1. Those are not movable feasts in the calendar.

Mr. Everts—[To Mr. Beech]—That is an interview concerning which Mr. Moulton testified. I can refer you to the passage; it is one of Mr. Moulton's narratives. I suppose all the interviews between Mr. Beecher and Mr. Moulton during this period ought to be in evidence; but this is one about which Mr. Moulton spoke.

The witness—All interviews were not with Mr. Tilton—not all.

THE MEASURES FOR FORCING MR. BOWEN TO DO JUSTICE.

Mr. Everts—Whether Mr. Tilton was present or not, they ought to be in evidence; but this is one about which Mr. Moulton has spoken. [To the witness.] Now, Sir, how did Mr. Moulton introduce this interview, or the topic about Mr. Bowen? A. Well, Mr. Moulton's mind was not resting any more upon me. He had secured a possible peace between Mr. Tilton and me, and as the jointing forces, in some sense, taking counsel how Mr. Tilton's misdeeds might be repaired. I was earnestly desirous to do anything that would help him.

Mr. Fullerton—That is not the conversation; that is objected to.

Mr. Everts—How did the matter come up; how did Mr. Moulton introduce the matter? A. I cannot say what he introduced it; I can say what were the topics that were discussed, not precisely in their order, but the substance of the conversations; I can give the discussion, or rather the substance of the matter discussed, if you wish me.

Q. Well, was the subject of your previous relations with Mr. Bowen introduced by Mr. Moulton in any way? A. It was very thoroughly brought into view; he wanted me to give him an account of my difficulties and my relations with Mr. Bowen; he wanted to explore the ground, and see exactly where Mr. Bowen stood and where I stood, and I gave him therefore a succinct view of what I thought of Mr. Bowen; and then I went back and gave him a view of the principal points of the difficulty that had sprung up between Mr. Bowen and myself, and I gave him an account of the interviews for the purpose of reconciling all difficulties that had taken place between Mr. Bowen and myself in January and February of 1870.

Q. At Mr. Freeland's house? A. At Mr. Freeland's house.

Q. Spoken of before? A. I answered all the questions that were put to me as to what Mr. Bowen's nature was, and how he was accessible, and what would be likely to follow, and if he would not be likely to fall with an endeavor to make him do justice to Mr. Tilton.

Q. Now, at that interview, was anything said to you about any letter that Mr. Tilton had written, or was writing to Mr. Bowen? A. I understood that Mr. Tilton was preparing a documentary exhibit which was hoped would bring Mr. Bowen to a discharge of his obligation; but no letter was ever shown me until the year 1872; but some of the subject matters contained in this exhibit, or document, or whatever it might be, were talked of between Mr. Moulton and Mr. Tilton in my presence; but it was rather the discussion—I heard it as something between them rather than anything addressed to me.

Q. That is the letter of January 1, from Mr. Tilton to Mr. Bowen, which you say you never saw until 1872? A. I never saw the letter. I cannot say that letter is what they discussed, but I never saw any letter at that time, nor any written document at that time.

Q. On that subject? A. On that subject, and the letter which is included in what is called *The Golden Age* article I didn't see until after March of 1872.

Q. That letter, then, was subsequently appended with *The Golden Age*, article, or as part of *The Golden Age* article in the "Triple Sheet"? A. In the "Triple Sheet" and "Golden Age," yes, Sir.

Q. And before that time that letter you had not seen? A. No, Sir, I had never seen it.

Q. Had it been read to you, or had it been in your presence? A. I never saw any manuscript of that kind that I collected. I heard that it was preparing a business document, and I heard of the topics that, more or less, were going into it discussed between Mr. Moulton and Mr. Tilton. I may have had single questions or answers put to me; if so I do not recall them as separable from the conversation about it between Mr. Moulton and Mr. Tilton.

Judge Neilson—But was the paper read in your hearing? A. The paper never was read in my hearing.

Mr. Everts—Never was in your presence? A. Never was in my hands, nor in my presence, nor read, nor any part of it was read; the contents that were to be were discussed in my presence.

Q. Now, what was said to you—was anything said to you by Mr. Moulton as to Mr. Bowen's motives or reasons for making any such charges against you? A. I don't recollect in that precise form anything of the kind. Mr. Moulton asked me distinctly whether the stories that Mr. Bowen had told Mr. Tilton, and which Mr. Tilton had read in some instances, whether there was any truth in them, and whether I was afraid of Mr. Bowen. I took each one of those stories, and told Mr. Moulton what I defied him to his face before the "whole world." These stories I was not afraid of in the slightest degree.

Q. Now, Sir, in what terms did Mr. Moulton express himself after your conversation with him on these points in regard to Mr. Bowen's conduct toward you and toward Mr. Tilton? A. Well, Sir, he exhausted language in the intensity of his condemnation of Mr. Bowen's course.

He thought it to be dishonest and cruel and treacherous, and in every way mean, and those words were not spoken but furnished; that is, they had adjectives before them.

Q. Did he say anything as to his view of Mr. Bowen's purpose in using Mr. Tilton against you, and you against Mr. Tilton? A. Yes, Sir; then and oftentimes.

Q. Well, what did he say? A. He said that he meant to employ Mr. Tilton to destroy me, and me to destroy Mr. Tilton. We were to have eaten each other up and left the track clear to him.

Q. Did you at that interview give Mr. Moulton a full account of your interview with Mr. Bowen at Mr. Freeland's? A. I did.

Q. And of its result? A. I did, and he was horror-struck with the narrative that I gave; he questioned me whether it was possible.

Q. Did you mention to Mr. Bowen and Mr. Moulton at that time the conclusion in your public statement at the church of the settlement between Mr. Bowen and yourself? A. Yes, Sir; I gave him a very graphic account of the interview and its sequences, and of the reconciliation ratified in Plymouth Church at the close of the Friday night prayer-meeting between Mr. Moulton and myself.

MR. BEECHER LAUGHS AT MR. BOWEN'S CHARGES.

Q. Now, in whatever statements Mr. Moulton made to you containing any contents or proposed contents of the letter or document that Mr. Tilton was preparing for Mr. Bowen, were there any names or details given you concerning any of the charges against you? A. You will have to repeat that sentence again, Sir.

Q. In the conversation which occurred in which Mr. Moulton said to you that he was going to publish a letter to Mr. Bowen, was there any mention of the particulars or names of the instances of charges against you mentioned? A. I do not know that it was mentioned in regard to their being included in that document; while we were talking about that we were also talking about Mr. Bowen and about his charges, and it was a general conversation, not historically and logically arranged at all, and in that conversation, which was part and parcel of his preparing this document, his charges were mentioned, and discussed; they were not mentioned, however, to me first, as they appeared afterward in the letter.

Q. Well, did Mr. Moulton say that Mr. Beecher charged that you had confessed adultery to him? A. I—did—yes, he said so. I was only hesitating as to whether it was in that interview or not. He said so at some one of the interviews and about that time.

Q. At about that time? A. Yes, Sir.

Q. Well, what did you reply to that? A. I think I laughed. I denied it. When I confessed again to Mr. Bowen I am sure it would be impressed upon my mind.

Q. Did you say to him on that occasion whether or no Mr. Bowen had ever made any such charge or imputation to you personally? A. I said to him that from the origin of the difficulties between Mr. Bowen and me, down to February, or January and February, 1870, and, again, December 26, there had been several adjudications, arbitrations, that is; there had been many conversations, but Mr. Bowen had never had any difficulty with me except business difficulties, and that he never under any circumstances had made a statement which implicated my moral character.

Q. Now, Sir, the conversation what was said by Mr. Beecher in regard to the treatment or management of Mr. Tilton's pecuniary claim against Mr. Bowen—about its being carried into court, or what not? A. He spoke of it, I recollect distinctly, as a thing which was inevitable; he spoke of it with an intensity and an enthusiasm that I admired, that excited my admiration for his fidelity to his friend, and as I am inept in business I felt unbounded confidence in his resources to carry out a business arrangement.

Q. Now, Mr. Moulton during this interview, or at any interview, say to you that he, Moulton, did not wish you to carry the claim of Mr. Tilton against Mr. Bowen into court if taking it into court was going to rip up your relations with Mr. Tilton's family? A. No, Sir, no, Sir; nothing.

Q. Nothing of the kind? A. Nothing of the kind; if you think of it when you come to another interview—Mr. Fullerton—One moment.

Mr. Everts—That is enough. One interview is enough in itself.

The witness—[To Mr. Beech]—I shall gradually learn to behave, Sir.

Q. Did Mr. Moulton tell you that he would rather pay Mr. Tilton what Mr. Bowen owed him than to rip up your relations with Mr. Tilton's family, or anything to that effect? A. No, Sir.

Q. Do you recollect, Mr. Beecher, during this conversation, when you were discussing the points and difficulties that had existed and been adjusted between you and Mr. Bowen, whether Mr. Moulton mentioned those points was spoken of and brought out in any way? A. Yes, Sir, it was spoken of. I told Mr. Moulton that I had at home somewhere (for then I kept a few of my own documents)—that I had a memorandum of the points which were in discussion at the interview between Mr. Bowen and myself—the last interview.

Q. At Mr. Freeland's? A. At Mr. Freeland's.

A. Well, A. He wanted me to bring them to him, and I think the next day probably, but immediately after, or very soon after, I hunted them up and brought them to him.

Q. Did you deliver that paper to Mr. Moulton at about that time—at that interview, or soon after? A. It was at about that time that I began to put all my documents into his hands, and I put that in. It was the first fruits.

Mr. Everts—That is Exhibit 107. It is marked only for identification.

Mr. Morris—Marked by you. I do not find it. You had it, and did not put it in. I do not recollect it. The original was marked for identification by you.

Mr. Everts—That paper was in Bowen's handwriting? A. Yes, Sir.

Q. Just look at that [handing paper to witness] and see if it is your recollection of the contents of the paper? A. Yes, Sir.

Mr. Everts—The original paper, if your Honor please, was before us in court and was marked for identification, but between the counsel on one side and the other, it is not to be found.

Judge Neilson—Have you a copy, Sir?

Mr. Everts—We have this printed copy, which we all know to be a copy.

Judge Neilson—I presume there will be no objection to your using that.

Mr. Everts—We now put it in evidence, it being one of the papers which passed between Mr. Moulton and Mr. Beecher.

Mr. Fullerton—Subject to correction if we find the original.

Mr. Everts—Yes, Sir, of course. This memorandum is this—I believe it has been read, hasn't it?

Mr. Fullerton—No, Sir.

Mr. Everts—[Reading.]

First—Report and publish Sermons and Lecture-room Talks.

Second—New edition Plymouth Collection, and Freeland's interest.

Third—Explanations to Church.

Fourth—But no letter.

Fifth—Retreat in every quarter what has been said to my injury.

[To the witness.]—The words "use" and "my" mean Mr. Bowen there. A. I understand it.

Q. Yes, it is his memorandum? A. It is his memorandum.

Q. Of the topics—and did those form the topics of the conversation had between you and Mr. Bowen, as you described it to Mr. Moulton? A. They did; I took each one of those and told Mr. Moulton what the substance of the conversation between Mr. Bowen and me was on each point.

Mr. Morris—The one following, Mr. Everts, was marked for identification also. If you do not find it, we had better have it understood that either party may use that one also. It was marked by you for identification. [Showing book to Mr. Everts.] We had better have it understood that, in case the original is not found, either one can use it.

Mr. Beech—I have a recollection that there was something else attached to this, [i. e., the document just read by Mr. Everts.]

Mr. Morris—I am calling his attention now to the fact that they were marked for identification by them.

Mr. Beech—We want the same liberty you have to use it.

Mr. Everts—Oh, yes; if the paper cannot be found.

Mr. Morris—There were two papers; I have not found them; whether you returned them or not I do not know, but they were both marked by your side for identification; I don't know whether we have them or you have them.

Mr. Fullerton—Well, substitute the original when Mr. Shearn produces it.

MR. MOULTON AVERSE TO ARBITRATION.

Mr. Everts—Now, after going through this matter of your and Bowen's affairs with Mr. Moulton on this occasion, do you remember then the subject coming up of your feelings in regard to any injury you had done Mr. Tilton? A. In that order of time do you mean?

Q. I mean after this conversation about Mr. Bowen with you over between you and Mr. Moulton, whether that topic suggested any expression by you of your feelings in regard to having taken sides against Mr. Tilton?

Mr. Beech—No, Sir.

Q. In the month of January? A. He never said exactly that; he spoke of what a grand thing it would be if Tilton and I could join forces to *The Christian Union*.

Q. Well, what did you reply to that? A. Well, my reply was that that was an absolute impossibility; the circumstances surrounding that paper, and the feelings of the persons engaged in it, would not permit such an association.

THE HARMONIZING EFFECT OF MR. MOULTON'S SICKNESS.

Mr. Beech—Do you remember anything of a visit you made when Mr. Moulton was seriously ill, and meeting Mr. Tilton there, and having some passage between yourself and him? A. Well, I remember several; it was not an infrequent thing.

Q. Do you remember being there at a time when Mr. Moulton was regarded by you as seriously ill—dangerously ill? A. Yes, Sir.

Q. When, about, was that? A. It was in the—I think it

was in—I cannot say whether it was January or February.

Q. Before he went South? A. Yes, Sir; it was before he went; it was partly in consequence of that sickness that he went; or mainly in consequence.

Q. During that illness, now, do you remember meeting Mr. Tilton there at the house during such a visit of your self to Mr. Moulton when he was very sick, anything that you remember? A. I do not seem to recall anything more than that we met there, Sir.

Q. Mr. Tilton has spoken of it as an occasion in which you kissed him on the forehead. A. Oh!

Q. Do you remember anything concerning that? A. Yes, Sir; he is right by about four inches; I kissed him on his mouth. We came down—I came down from above where I had seen Frank—Mr. Moulton; he was suffering from rheumatism of the chest and of the heart, as I understand, and I was in great suffering; and I was very apprehensive; I don't know that it was the physician's judgment, but he might suddenly go off; and I felt very deep sympathy and concern, and when I came down stairs Mr. Tilton was in the parlor, and I met him, and spoke of him as a friend to both of us, and of what I felt to be—

Q. Spoke of Mr. Moulton? A. Yes, Sir.

Q. To Mr. Tilton? A. Yes, Sir; and what I considered to be his critical condition, and there were some words interchanged, I don't know what, but in the warmth of that sympathetic moment we kissed each other.

Q. Do you remember using any expression like this: "Theodore, Frank has saved my life, and I would willingly to-day give my life to save Frank's"? A. No, Sir, I don't remember any precise language like that; I may have said that I would be willing almost to give my life to save his.

Q. Do you remember any expression of this kind to Mr. Tilton on that occasion?

Frank is very sick; he is at the grave's edge; I am afraid he will die, and if he dies, Theodore, what will then become of your cause? I don't recall any such.

A. No, Sir.

Q. Beecher, I understand you to have said distinctly that the letter of Mr. Tilton to Mr. Bowen was not shown to you or read to you at any interview at this time? A. It was not.

Q. And then there was no interview at that time at which Mr. Tilton was present at which any such occurrence took place? A. No, not within my remembrance; I am sure I should have remembered it.

Q. Did any interview occur with Mr. Tilton or Mr. Moulton at this period, during January—this middle part of January, or at any time thereafter, at which any relation that you had to that letter, or any connection which Mr. Tilton's and your affairs had with that letter, was the subject of conversation between you and either of these gentlemen? A. I did not know that there was any such letter until the Spring of 1872. I know that there were steps in progress, documents forming, which were to bring a statement before Mr. Bowen, and an influence to procure a settlement, but that it took on the form of a letter, or that it was a letter that I had anything to do with, or that concerned itself with my affairs, I had no more idea of it than I had of things transacting in China.

BESSIE TURNER NOT CALLED A PRATTLER.

Q. Do you remember, Mr. Beecher, whether at any of the interviews spoken of, about the middle part of January, or at any time thereafter, at any interview which occurred on the subject of Bessie Turner, did Mr. Moulton tell you that Mr. Tilton thought Bessie Turner was a dangerous person to have about; that she was what Mr. Tilton termed a prattler, and knew of the facts as between Mr. Beecher and Mrs. Tilton? A. No, Sir, I shall give a full knowledge of Miss Bessie Turner.

Q. No, not at the moment; I will inquire. A. No, Sir, nothing of that sort.

Q. Did anything of that kind occur? A. Nothing of that kind; that is, I am speaking with reference to her remarks.

Q. This period in January? A. How?

Q. This period in January? A. During January Bessie Turner was spoken of, and her stories were spoken of.

Q. Yes? A. But I understand your question with reference to her necessary removal on account of her knowledge of my relations to Mrs. Tilton.

Q. Yes; the question was this—A. There was no such knowledge ever, in any way, brought to me.

Q. And did Mr. Moulton say anything of the way that you said: "I thought she was a dangerous person to have about; that she was what Mr. Tilton termed a prattler, and knew of the facts as between Mr. Beecher and Mrs. Tilton"? A. He never said it, nor I never answered it in any such way.

Q. And was it represented to you by Mr. Moulton at any such interview that Mrs. Tilton said, as Mr. Tilton told him, that the best place for her was out West at school? A. No, Sir; I know nothing about her going out West to school.

Q. And did he tell you at that time that Mr. Tilton could not afford to pay her expenses, and did you say, "Well, I will pay the expenses of the way that you think it necessary to keep the story down, or anything of that kind? A. Nothing of that sort; there was no consultation with me of any sort or description in respect to the disposal of Bessie Turner. The first knowledge that I had of her whereabouts was when I was called upon to pay her first installment.

MR. MORSE'S LETTER OF CHARGES.

Q. In the latter part of January of that year, Mr. Beecher, an interview has been spoken of both by Mr. Moulton and Mr. Tilton, at which a letter from Mrs. Morse was brought under consideration. [To Mr. Shearn.] What was the exhibit?

Mr. Fullerton—9.

Mr. Shearn—7.

Mr. Fullerton—7, on page 9; that is it.

Mr. Everts—Do you remember a letter of that kind, received by you, and handed by you to Mr. Moulton? A. I do.

Q. In the end of January—toward the end of January? A. I think it was that.

Q. Did you state that it was "Exhibit 9"? A. Yes, Sir.

Mr. Fullerton—7, on page 9 of that book.

Mr. Everts—[To Mr. Shearn]—Are you sure it was 7? Mr. Morris—That must be it. [Producing "Exhibit 7."]

Mr. Everts—Please look at that, Mr. Beecher, and see whether you remember that [handing witness "Exhibit 7."]

A. I recollect this letter.

Q. Well, Mr. Beecher, you remember that letter? A. I remember it.

Q. Now, on receiving that letter what did you do with it, or about it? A. I carried it to Mr. Moulton.

Q. Did you have a conversation with him on the subject? A. I did.

Q. Did he read the letter? A. I presume he did, Sir.

Q. You handed it to him? A. I gave him the letter and he kept it.

Q. Yes, but as to your interview about it? A. Yes, Sir, I did have a conversation about it.

Q. Well, did he read the letter? A. Yes, he read the letter.

Q. In your presence, what—

Mr. Beech—He didn't say so.

Mr. Everts—Well, is that so? A. What, Sir?

Q. Did he read the letter in your presence before this conversation? A. He did.

Q. What then was said about it; did you ask him any advice, and did he give you any suggestion? A. I did; I asked him how the letter better be treated, and he said he thought it would be better that it should be treated mildly and kindly.

Q. Well, he said he was, if anything, about Mrs. Morse? A. Well, he said Mrs. Morse was half crazy; he said that she imagined a great many things, that she hated Theodore Tilton, that she was in the habit of either telling stories or magnifying incidents so as that they did not represent the truth; that she was unrestrained except by her love of her daughter.

Q. Was anything said about the credibility of her charges in that letter, or his belief of any of them? A. There was—I don't think that there was then a specific denial; I recollect that a subsequent interview with Mr. Tilton; but I think there was—it was assumed that he would be to be treated—this whole letter was to be those were the hallucinations of Mrs. Morse; the charges were denied in so far as they respected Mr. Tilton's talking about affairs.

Q. Yes, Mr. Moulton said that that was not true, did he? A. Yes, Sir.

MR. BEECHER'S ANSWER TO MRS. MORSE.

Q. And afterward did you write an answer to that letter? A. I did, Sir.

Q. And did you show it [To Mr. Morris.] Is that with it, Mr. Morris?

[Mr. Morris produced the letter called for.]

Mr. Everts—Was this written in Mr. Moulton's presence or shown to him, or how otherwise? That seems to be the question that you want to get to; that question came into conversation between us, and I was writing, you mean—A. This is, I suspect, the sketch that I drew up of the letter, and which he approved, and that I then went home and sent the letter to her; that I judge it to be; I never used ruled paper; I am particular in my paper.

Q. It is written in pencil? A. In pencil; yes